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October 3, 2013

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Hon. Katherine B. Forrest
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED OCT 04 2013**

Re: *In re 650 Fifth Avenue and Related Prop.*, No. 08 Civ 10934 (KBF)

Dear Judge Forrest:

We represent Defendants Alavi Foundation (the "Foundation") and 650 Fifth Avenue Company (the "Fifth Avenue Company") in the above captioned action and write in regards to a recent submission by the Havlish Plaintiffs.

On September 19, 2013, the Havlish Plaintiffs attempted to file a motion for a writ of execution. Dkt No. 890. On September 20, 2013, the parties were notified through an ECF notification that the filing was deficient, and the Havlish Plaintiffs were directed to re-file their motion. *Id.* We understand that the Havlish Plaintiffs do not intend to re-file a motion for a writ of execution at this time. Our correspondence with the Havlish Plaintiffs regarding this matter is attached to this letter.

Because the ECF Help Desk has informed us that individual practices may vary regarding filing deadlines following a deficient ECF filing, we write to request an order from the Court confirming that no response is due to the document submitted by the Havlish Plaintiffs at ECF Docket Number 890.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Daniel S. Ruzumna
Daniel S. Ruzumna

cc: Counsel of Record

Order
No response
is due to
document at
ECF No. 890.

K. B. For
USDJ *10/3/13*

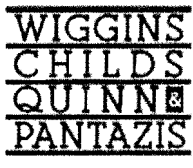
Adler, Krista (x2922)

From: Tim Fleming <TFleming@wcqp.com>
Sent: Monday, September 30, 2013 3:04 PM
To: Adler, Krista (x2922); Dennis G. Pantazis; jmccoy@mellonwebster.com; Rich Hailey; Thomas Mellon; Jim McCoy; Bob Foote
Cc: Ruzumna, Daniel (x2034)
Subject: RE: In re 650: Alavi and Fifth Avenue Company Response to Recent Filings

Krista,

Our Motion for Issuance of Writs of Execution was rejected by the Court for an ECF deficiency. In the meantime, we reviewed the earlier hearing in this case addressing writs of execution, and we determined that we will not re-file the motion at this time. We will explain this to the Court in a letter to Judge Forrest in the next day or so. Accordingly, I would think that you do not need to request any stay.

Additionally, our Motion for Leave to Amend Complaint was also rejected for an ECF deficiency. We will be re-filing that motion either today or tomorrow.

 Timothy B. Fleming
Wiggins, Childs, Quinn & Pantazis, LLC
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Direct: (202) 467-4489

From: Adler, Krista (x2922) [mailto:kadler@pbwt.com]
Sent: Sunday, September 29, 2013 4:00 PM
To: Tim Fleming; Dennis G. Pantazis; jmccoy@mellonwebster.com; Rich Hailey; Thomas Mellon; Jim McCoy; Bob Foote
Cc: Ruzumna, Daniel (x2034)
Subject: In re 650: Alavi and Fifth Avenue Company Response to Recent Filings

Dear Counsel,

We left a message with Tim Flemming last week regarding your recent ECF filings, but we have not received a response. To avoid duplicate briefing, we would like to request that the Court stay the deadline for responding to your motion for a writ of execution until after the Court has ruled on your motion to amend the complaint.

Please let us know whether you consent to this request by the close of business on Monday.

Sincerely,
Krista

Krista D. Adler
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